

Remarks/Arguments

Applicants have received and carefully reviewed the Office Action of the Examiner mailed June 16, 2009. Currently, claims 1-21 remain pending. Claims 1-21 have been rejected. Claims 1, 19, and 20 have been amended in accordance with a suggestion by the Examiner. Favorable consideration of the following remarks is respectfully requested.

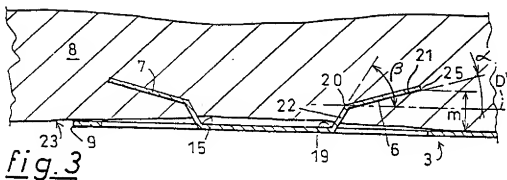
Claim Rejections – 35 USC § 102

Claims 1-5, 13-15, and 19-21 were rejected under 35 U.S.C. 102(b) as anticipated by Lefebvre (U.S. Patent No. 5,108,418). After careful review, Applicant must respectfully traverse this rejection.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (See MPEP § 2131). Nowhere does Lefebvre appear to teach or suggest, “an elongate edged blade cutting member disposed along the elongate member proximate the anchoring member, wherein the edge of the edged blade generally faces towards the longitudinal central axis”, as recited in amended claim 1.

Instead, Lefebvre appears to teach a pair of antagonistically oriented teeth associated with an outer surface of each leg or elongate member. While Applicant gratefully acknowledges the Examiner’s suggestion with respect to clarifying the central axis found in claim 1 and has incorporated the suggestion in the amended claims 1, 19, and 20, it is believed that tooth (6) of Lefebvre, which the Examiner has identified as corresponding to a cutting edge, provides neither a cutting edge nor an edge oriented as recited in claim 1 before or after amendment. As will be seen in Fig. 3 of Lefebvre, reproduced below, the lateral edges of teeth (6,7) appear to be flats having a thickness equal to the thickness of the leg and thus cannot provide elongate edged blade cutting member.



Further, the flat edge of tooth (6), which the Examiner has identified as corresponding to a cutting edge, appears to be oriented generally circumferentially with respect to the vessel in which the filter is disposed and thus appears to be directed well away from the longitudinal central axis of the amended claim.

Accordingly, Lefebvre does not appear to anticipate *each and every element as set forth in the claim 1* and Applicant respectfully requests that the rejections be withdrawn.

Additionally, for similar reasons as well as others, claims 2-5, 13-15, and 19-21, which depend from claim 1, and include significant additional limitations, are believed to be not anticipated by Lefebvre and Applicants respectfully request that the rejections be withdrawn.

Claim Rejections – 35 USC § 103

Claims 6-12 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lefebvre. After careful review, Applicant must respectfully traverse this rejection.

“All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). (MPEP § 2143.03). As discussed previously, nowhere does Lefebvre appear to disclose “an elongate edged blade cutting member disposed along the elongate member proximate the anchoring member, wherein the edge of the edged blade generally faces towards the longitudinal central axis” for at least the reasons that Lefebvre does not appear to disclose a cutting edge associated with either the teeth or the leg and there does not appear to be an edge of any sort directed toward the longitudinal central axis.

The teeth of Lefebvre appear to present only penetrating points toward the vessel wall and present those points oriented in a direction oriented generally away from the longitudinal central axis as they must to engage the vessel wall. Providing the teeth of Lefebvre with cutting edges or directing the teeth on a leg toward the central axis would appear to render the teeth of Lefebvre unsuited for anchoring the filter of Lefebvre (MPEP 2143.01, V.) as well as altering the operating principle of Lefebvre (MPEP 2143.01, VI.) which appears to require antagonistically oriented teeth to hold the filter in place when subjected to alternating forces along the axis of the vessel. This principle would appear to be defeated if one of the teeth would cut itself free when subjected to the corresponding force. Therefore Lefebvre does not appear to teach all the claim limitations of independent claim 1, as is required to establish a *prima facie* case of obviousness.

If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). (MPEP 2143.03)

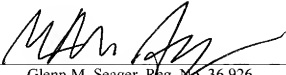
Accordingly, claims 6-12 and 16, which depend from nonobvious independent claim 1, also are believed to be nonobvious and Applicants respectfully request that the rejections be withdrawn.

In view of the foregoing, all pending claims are believed to be in a condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Date:

Aug 14, 2009



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